



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

MAY 2 - 2013

Ms. Kathleen Krust  
Sierra Club  
National Headquarters  
85 Second Street, 2nd Floor  
San Francisco, California 94105

Re: Freedom of Information Act Request EPA-R9-2012-000841

Dear Ms. Krust:

This letter is in response to your Freedom of Information Act ("FOIA") request in which you requested Clean Air Act Section 114 and other compliance status documents for the coal-fired Valmy Generating Station in Valmy, NV. It has been determined that some of the records in question have been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. § 552(b)(4). Enclosed you will find copies of the documents responsive to your request that have not been claimed confidential except for compliance status documents which are located at the San Bruno Federal Records Center ("FRC"). We will provide copies of responsive documents at the FRC to you by May 23, 2013.

Pursuant to 40 C.F.R. § 2.204(d)(1), your request is being initially partially denied because further inquiry by EPA is required before a final determination can be made. We will consult with NV Energy in connection with its business confidentiality claims covering these records and the Office of Regional Counsel will issue a final confidentiality determination.

Please note that NV Energy has claimed confidentiality for records that are responsive to questions 2-7, 11, and 14 of the EPA 114 Request (CBI confidential claim for the following document Bates Stamp ranges: 1-5312, 7427-8789, 18434-20223, 23989-24993, 24994-25282). The following two documents are also claimed by NV Energy as confidential: 1) an attachment to the November 13, 2009, NV Energy letter – Third Set of Responses and Objections to EPA 114 Request. This attachment is entitled, "NV Energy Response to Request No. 2" (5 pages); and 2) an attachment to the November 30, 2009, NV Energy letter – Fourth Set of Responses and Objections to EPA 114 Request. This attachment is entitled "NV Energy Response to Request No. 3" (3 pages).

You may appeal this initial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number EPA-R9-2012-000841). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

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If you have any questions, please contact Allan Zabel of the Office of Regional Counsel at 415-972-3902 or Mark Sims of my staff at 415-972-3965.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen H. Johnson", with a long, sweeping horizontal line extending to the right.

Kathleen H. Johnson, Director  
Enforcement Division

Enclosure